

Sanctions and Anti-Money Laundering Bill [HL]

MARSHALLED LIST OF AMENDMENTS TO BE MOVED ON CONSIDERATION OF COMMONS AMENDMENTS

[The page and line references are to Bill 157, the Bill as first printed for the Commons]

*[Amendments marked * are new or have been altered]*

COMMONS AMENDMENT 11

After Clause 17

11 Insert the following new Clause –

“Enforcement: goods etc on ships

- (1) The provision that may be made by virtue of section 17(2) (enforcement of prohibitions or requirements) includes provision as to the powers and duties of prescribed persons in relation to –
 - (a) British ships in foreign waters or international waters,
 - (b) ships without nationality in international waters, and
 - (c) foreign ships in international waters.
- (2) Regulations may make provision by virtue of this section only for the purpose of enforcing relevant prohibitions or requirements.
- (3) A prohibition or requirement is a “relevant prohibition or requirement” for the purposes of this section if it is –
 - (a) a prohibition or requirement specified by the regulations which is imposed by regulations for a purpose mentioned in any of paragraphs 2 to 7, 15(a), (b) or (c) or 16(a) of Schedule 1, or
 - (b) a prohibition or requirement imposed by a condition of a licence or direction issued by virtue of section 15 in relation to a prohibition or requirement mentioned in paragraph (a).
- (4) The powers that may be conferred by virtue of this section include powers to –
 - (a) stop a ship;
 - (b) board a ship;
 - (c) require any person found on a ship boarded by virtue of this section to provide information or produce documents;
 - (d) inspect and copy such documents or information;

- (e) stop any person found on such a ship and search that person for –
 - (i) prohibited goods, or
 - (ii) any thing that might be used to cause physical injury or damage to property or to endanger the safety of any ship;
 - (f) search a ship boarded by virtue of this section, or any thing found on such a ship (including cargo), for prohibited goods;
 - (g) seize goods found on a ship, in any thing found on a ship, or on any person found on a ship (but see subsection (8));
 - (h) for the purpose of exercising a power mentioned in paragraph (e), (f) or (g), require a ship to be taken to, and remain in, a port or anchorage in the United Kingdom or any other country willing to receive it.
- (5) Regulations that confer a power mentioned in subsection (4)(a) to (f) or (h) must provide that a person may not exercise the power in relation to a ship unless the person has reasonable grounds to suspect that the ship is carrying prohibited goods (and the regulations need not require the person to have reasonable grounds to suspect that an offence is being or has been committed).
- (6) Regulations that confer a power mentioned in subsection (4)(e)(i) or (f) must provide that the power may be exercised only to the extent reasonably required for the purpose of discovering prohibited goods.
- (7) Regulations that confer a power mentioned in subsection (4)(e)(ii) on a person (“the officer”) may permit the search of a person only where the officer has reasonable grounds to believe that that person might use a thing in a way mentioned in subsection (4)(e)(ii).
- (8) Regulations that confer a power mentioned in subsection (4)(g) on a person –
 - (a) must provide for the power to be exercisable on a ship only where that person is lawfully on the ship (whether in exercise of powers conferred by virtue of this section or otherwise), and
 - (b) may permit the seizure only of –
 - (i) goods which that person has reasonable grounds to suspect are prohibited goods, or
 - (ii) things within subsection (4)(e)(ii).
- (9) Regulations that confer a power on a person by virtue of this section may authorise that person to use reasonable force, if necessary, in the exercise of the power.
- (10) Regulations that confer a power by virtue of this section must provide that –
 - (a) the power may be exercised in relation to a British ship in foreign waters only with the authority of the Secretary of State, and
 - (b) in relation to foreign waters other than the sea and other waters within the seaward limits of the territorial sea adjacent to any relevant British possession, the Secretary of State may give authority only if the State in whose waters the power would be exercised consents to the exercise of the power.

- (11) Regulations that confer a power by virtue of this section must provide that –
- (a) the power may be exercised in relation to a foreign ship only with the authority of the Secretary of State, and
 - (b) the Secretary of State may give authority only if –
 - (i) the home state has requested the assistance of the United Kingdom for the purpose of enforcing relevant prohibitions or requirements,
 - (ii) the home state has authorised the United Kingdom to act for that purpose, or
 - (iii) the United Nations Convention on the Law of the Sea 1982 (Cmnd 8941) or a UN Security Council Resolution otherwise permits the exercise of the powers in relation to the ship.
- (12) The reference in subsection (11) to the United Nations Convention on the Law of the Sea includes a reference to any modifications of that Convention agreed after the passing of this Act that have entered into force in relation to the United Kingdom.
- (13) In this section –
- “arrangements” includes any agreement, understanding, scheme, transaction or series of transactions (whether or not legally enforceable);
 - “British ship” means a ship falling within paragraph (a), (c), (d) or (e) of section 7(12);
 - “foreign ship” means a ship which –
 - (a) is registered in a State other than the United Kingdom, or
 - (b) is not so registered but is entitled to fly the flag of a State other than the United Kingdom;
 - “foreign waters” means the sea and other waters within the seaward limits of the territorial sea adjacent to any relevant British possession or State other than the United Kingdom;
 - “goods” includes technology within the meaning of Schedule 1 (see paragraph 36 of that Schedule);
 - “home state”, in relation to a foreign ship, means –
 - (a) the State in which the ship is registered, or
 - (b) the State whose flag the ship is otherwise entitled to fly;
 - “international waters” means waters beyond the territorial sea of the United Kingdom or of any other State or relevant British possession;
 - “prohibited goods” means goods which have been, or are being, dealt with in contravention of a relevant prohibition or requirement (see subsection (3));
 - “regulations” means regulations under section 1;
 - “relevant British possession” has the same meaning as in section 7 (see subsection (14) of that section);
 - “ship” has the same meaning as in section 7 (see subsection (14) of that section);
 - “ship without nationality” means a ship which –
 - (a) is not registered in, or otherwise entitled to fly the flag of, any State or relevant British possession, or

- (b) sails under the flags of two or more States or relevant British possessions, or under the flags of a State and relevant British possession, using them according to convenience.
- (14) In the definition of “prohibited goods” in subsection (13), the reference to goods dealt with in contravention of a relevant prohibition or requirement includes a reference to a case where—
- (a) arrangements relating to goods have been entered into that have not been fully implemented, and
 - (b) if those arrangements were to be fully implemented, the goods would be dealt with in contravention of that prohibition or requirement.”

LORD COLLINS OF Highbury

[As an amendment to Commons Amendment 11]

11A★ At end insert—

- “() Notwithstanding the provisions of section 48, a statutory instrument containing regulations made by virtue of this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

COMMONS AMENDMENT 12

After Clause 17

12 Insert the following new Clause—

“Goods etc on ships: non-UK conduct

- (1) Regulations may make provision conferring on prescribed persons powers exercisable—
- (a) in relation to—
 - (i) British ships in foreign waters or international waters,
 - (ii) ships without nationality in international waters, and
 - (iii) foreign ships in international waters,
 - (b) for the purpose of—
 - (i) investigating the suspected carriage of relevant goods on such ships, or
 - (ii) preventing the continued carriage on such ships of goods suspected to be relevant goods.
- (2) The powers that may be conferred by virtue of this section include powers to—
- (a) stop a ship;
 - (b) board a ship;
 - (c) require any person found on a ship boarded by virtue of this section to provide information or produce documents;
 - (d) inspect and copy such documents or information;
 - (e) stop any person found on such a ship and search that person for—
 - (i) relevant goods, or
 - (ii) any thing that might be used to cause physical injury or damage to property or to endanger the safety of any ship;

- (f) search a ship boarded by virtue of this section, or any thing found on such a ship (including cargo), for relevant goods;
 - (g) seize goods found on a ship, in any thing found on a ship, or on any person found on a ship (but see subsection (6));
 - (h) for the purpose of exercising a power mentioned in paragraph (e), (f) or (g), require a ship to be taken to, and remain in, a port or anchorage in the United Kingdom or any other country willing to receive it.
- (3) Regulations that confer a power mentioned in subsection (2)(a) to (f) or (h) must provide that a person may not exercise the power in relation to a ship unless the person has reasonable grounds to suspect that the ship is carrying relevant goods.
- (4) Regulations that confer a power mentioned in subsection (2)(e)(i) or (f) must provide that the power may be exercised only to the extent reasonably required for the purpose of discovering relevant goods.
- (5) Regulations that confer a power mentioned in subsection (2)(e)(ii) on a person (“the officer”) may permit the search of a person only where the officer has reasonable grounds to believe that that person might use a thing in a way mentioned in subsection (2)(e)(ii).
- (6) Regulations that confer a power mentioned in subsection (2)(g) on a person –
- (a) must provide for the power to be exercisable on a ship only where that person is lawfully on the ship (whether in exercise of powers conferred by virtue of this section or otherwise), and
 - (b) may permit the seizure only of –
 - (i) goods which that person has reasonable grounds to suspect are relevant goods, or
 - (ii) things within subsection (2)(e)(ii).
- (7) Regulations that confer a power on a person by virtue of this section may authorise that person to use reasonable force, if necessary, in the exercise of the power.
- (8) Regulations that confer a power by virtue of this section must provide that –
- (a) the power may be exercised in relation to a British ship in foreign waters only with the authority of the Secretary of State, and
 - (b) in relation to foreign waters other than the sea and other waters within the seaward limits of the territorial sea adjacent to any relevant British possession, the Secretary of State may give authority only if the State in whose waters the power would be exercised consents to the exercise of the power.
- (9) Regulations that confer a power by virtue of this section must provide that –
- (a) the power may be exercised in relation to a foreign ship only with the authority of the Secretary of State, and
 - (b) the Secretary of State may give authority only if –
 - (i) the home state has requested the assistance of the United Kingdom for a purpose mentioned in subsection (1)(b),
 - (ii) the home state has authorised the United Kingdom to act for such a purpose, or

- (iii) the United Nations Convention on the Law of the Sea 1982 (Cmnd 8941) or a UN Security Council Resolution otherwise permits the exercise of the powers in relation to the ship.
- (10) The reference in subsection (9) to the United Nations Convention on the Law of the Sea includes a reference to any modifications of that Convention agreed after the passing of this Act that have entered into force in relation to the United Kingdom.
- (11) In this section—
 - “regulations” means regulations under section 1;
 - “relevant goods” means goods in relation to which relevant non-UK conduct is occurring or has occurred;
 - “relevant non-UK conduct” means conduct outside the United Kingdom by a person other than a United Kingdom person that would constitute a contravention of a relevant prohibition or requirement if the conduct had been—
 - (a) in the United Kingdom, or
 - (b) by a United Kingdom person;
 - “relevant prohibition or requirement” has the same meaning as in section (*Enforcement: goods etc on ships*) (see subsection (3) of that section);
 - “United Kingdom person” has the same meaning as in section 18 (see subsection (2) of that section).
- (12) In the definition of “relevant non-UK conduct” in subsection (11), the reference to conduct that would constitute a contravention of a relevant prohibition or requirement if the conduct had been in the United Kingdom or by a United Kingdom person includes a reference to a case where—
 - (a) arrangements relating to goods have been entered into that have not been fully implemented, and
 - (b) if those arrangements were to be fully implemented (and if the conduct had been in the United Kingdom or by a United Kingdom person) the goods would be dealt with in contravention of that prohibition or requirement.
- (13) In this section, the following expressions have the same meaning as in section (*Enforcement: goods etc on ships*)—
 - “arrangements”,
 - “British ship”,
 - “foreign ship”,
 - “foreign waters”,
 - “goods”,
 - “home state”,
 - “international waters”,
 - “relevant British possession”,
 - “ship”, and
 - “ship without nationality”.

LORD COLLINS OF HIGHBURY

[As an amendment to Commons Amendment 12]

12A★ At end insert—

- “() Notwithstanding the provisions of section 48, a statutory instrument containing regulations made by virtue of this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

COMMONS AMENDMENT 22

After Clause 44

Insert the following new Clause—

“Public registers of beneficial ownership of companies registered in British Overseas Territories

- (1) For the purposes of the detection, investigation or prevention of money laundering, the Secretary of State must provide all reasonable assistance to the governments of the British Overseas Territories to enable each of those governments to establish a publicly accessible register of the beneficial ownership of companies registered in each government’s jurisdiction.
- (2) The Secretary of State must, no later than 31 December 2020, prepare a draft Order in Council requiring the government of any British Overseas Territory that has not introduced a publicly accessible register of the beneficial ownership of companies within its jurisdiction to do so.
- (3) The draft Order in Council under subsection (2) must set out the form that the register must take.
- (4) If an Order in Council contains requirements of a kind mentioned in subsection (2)—
 - (a) it must be laid before Parliament after being made, and
 - (b) if not approved by a resolution of each House of Parliament before the end of 28 days beginning with the day on which it is made, it ceases to have effect at the end of that period (but without that affecting the power to make a new Order under this section).
- (5) In calculating a period of 28 days for the purposes of subsection (4), no account is to be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (6) For the purposes of this section, “British Overseas Territories” means a territory listed in Schedule 6 of the British Nationality Act 1981.
- (7) For the purposes of this section, “a publicly accessible register of the beneficial ownership of companies” means a register which, in the opinion of the Secretary of State, provides information broadly equivalent to that available in accordance with the provisions of Part 21A of the Companies Act 2006.”

22A Lord Naseby to move, as an amendment to the motion that the House do agree with the Commons in their Amendment 22, leave out “agree” and insert “disagree”.

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